

ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW

222 DELAWARE AVENUE

P. O. BOX 1150

WILMINGTON, DELAWARE 19899

TELEPHONE

302-654-1888

FACSIMILE

302-654-2067

June 14, 2006

The Honorable Sue L. Robinson
United States District Court
844 King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Novo Nordis A/S v. sanofi-aventis et al.*
C.A. No. 05-645-SLR

Dear Chief Judge Robinson:

At the discovery status conference yesterday, you invited the parties to provide you with citations to cases related to whether the Court should compel the plaintiff, Novo Nordisk A/S, to produce the “non-public” portions of foreign patent prosecution file histories for patents related to the patent in suit, including any public prior art references that may be included in those “non-public” portions. Accordingly, the Defendants provide the following citations that support an Order compelling the production of such documents.

Caterpillar Tractor Co. v. Berco S.p.A., 714 F.2d 1110, 1116 (Fed. Cir. 1983)

Liposome Co., Inc. v. Vestar, Inc., 36 U.S.P.Q.2d 1295, 1306 (D. Del. 1994) (copy attached hereto as Exhibit A).

Molins PLC v. Textron, Inc., 821 F. Supp. 1551, 1565 (D. Del. 1992); *aff'd*, 48 F.3d 1172 (Fed. Cir. 1995).

Baxter Travenol Labs, Inc. v. Abbott Labs, 1987 WL 12919 at *7 (N.D. Ill. 1987) (copy attached hereto as Exhibit B).

Tulip Computers Int'l B.V. v. Dell Computer Corp., 210 F.R.D. 100, 104 (D. Del. 2002).

Honorable Sue L. Robinson
June 14, 2006
Page 2 of 2

The Defendants thank the Court for its prompt consideration of this matter.

Respectfully,

/s/ Lauren E. Maguire

Lauren E. Maguire

Enclosures

cc: Frederick L. Cottrell, III, Esquire (via hand delivery and electronic filing w/ encl.)
Jeffrey J. Oelke, Esquire (via Federal Express w/ encl.)